

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RHONDA A. COLEMAN,)	
)	
Plaintiff,)	C.A. No. 08-50-GMS
)	
v.)	
)	
WILMINGTON TRUST,)	
)	
Defendant.)	
)	

MOTION TO DISMISS

1. Plaintiff Rhonda A. Coleman (“Plaintiff”) filed a *pro se* Complaint on January 26, 2008 and Defendant Wilmington Trust (“Defendant”) filed an Answer on February 13, 2008.

2. On March 14, 2008, Defendant filed its First Request for Production of Documents and First Set of Interrogatories.

3. On May 16, 2008, counsel for Defendant sent a letter to Plaintiff pointing out that the discovery had not been answered (copies of all documents referred to herein are attached).

4. On May 26, 2008, the Plaintiff sent counsel for Defendant an email in which she acknowledged receipt of the May 16, 2008 letter, but said that she had not received the March 14, 2008 discovery documents. She requested that a copy be sent to her.

5. Counsel for Defendant responded to the email by asking if her address was 16 Meghan’s Way, Pennsville, NJ 08070 and if she had received the Answer to her Complaint.

6. On the same date, May 27, 2008, Plaintiff replied to the email by stating that she had received the Answer to the Complaint, but she had not received the discovery. She also confirmed that the address was correct.

7. On the same date, counsel for Defendant emailed copies of the Interrogatories and Request for Production and on May 28, 2008, Plaintiff acknowledged receiving the documents and said that she would respond.

8. Plaintiff has not responded to the Interrogatories and Request for Production since receiving them on May 28, 2008. According to the Court's Scheduling Order, discovery is to be completed on or before August 14, 2008. Upon information and belief, Plaintiff has had the discovery since March 14, 2008 and according to her own acknowledgment, she has had the discovery since May 28, 2008.

WHEREFORE, Defendant moves to dismiss the Complaint since Plaintiff has failed to respond to discovery in a timely manner.

Respectfully submitted,

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Sheldon N. Sandler

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Attorneys for Defendant

Dated: July 14, 2008

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BRUCE M. STARGATT
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EDWARD B. MAXWELL, 2ND

May 16, 2008


Ms. Rhonda A. Coleman
16 Meghan's Way
Pennsville, New Jersey 08070

Re: **Coleman v. Wilmington Trust**

Dear Ms. Coleman:

As you know I represent Wilmington Trust in the above-referenced matter. On March 14, 2008 you were sent Wilmington Trust's First Request for Production of Documents and First Set of Interrogatories. The answers were due on April 14 and have not been filed or received by me. Therefore, unless the discovery responses are filed by May 26, I will move to dismiss the case or take other appropriate action.

Very truly yours,


Sheldon N. Sandler

SNS:sde

cc: Michael A. DiGregorio, Esquire

Sandler, Sheldon N.

From: rhonda coleman [racoleman5@yahoo.com]
Sent: Monday, May 26, 2008 11:52 PM
To: Sandler, Sheldon N.
Subject: Rhonda Coleman - letter dated May 16, 2008

Dear Mr. Sandler,

I received your letter dated May 16, 2008. I never received your correspondence on March 14, 2008. Please forward me a copy of this document and I will provide you the information requested as soon as possible.

Rhonda Coleman

5/27/2008

Sandler, Sheldon N.

From: Sandler, Sheldon N.
Sent: Tuesday, May 27, 2008 1:38 PM
To: 'rhonda coleman'
Subject: RE: Rhonda Coleman - letter dated May 16, 2008

I believe the interrogatories and requests for production were mailed with the Answer. In any event, I will email you a copy of each.

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Facsimile: 302-576-3330
SSandler@ycst.com

From: rhonda coleman [mailto:racoleman5@yahoo.com]
Sent: Tuesday, May 27, 2008 12:59 PM
To: Sandler, Sheldon N.
Subject: Re: Rhonda Coleman - letter dated May 16, 2008

Mr Sandler - Yes, I received the answer to the complaint, but nothing that was dated March 14th. Yes that is my correct mailing address.

----- Original Message -----

From: "Sandler, Sheldon N." <SSandler@ycst.com>
To: rhonda coleman <racoleman5@yahoo.com>
Sent: Tuesday, May 27, 2008 10:31:26 AM
Subject: RE: Rhonda Coleman - letter dated May 16, 2008

Ms. Coleman - Did you receive the Answer to your Complaint? Everything was mailed to 16 Meghan's Way, Pennsville, NJ 08070. Is that your correct address?

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From: rhonda coleman [mailto:racoleman5@yahoo.com]
Sent: Monday, May 26, 2008 11:52 PM
To: Sandler, Sheldon N.
Subject: Rhonda Coleman - letter dated May 16, 2008

Dear Mr. Sandler,

7/11/2008

I received your letter dated May 16, 2008. I never received your correspondence on March 14, 2008. Please forward me a copy of this document and I will provide you the information requested as soon as possible.

Rhonda Coleman

7/11/2008

Sandler, Sheldon N.

From: Sandler, Sheldon N.
Sent: Tuesday, May 27, 2008 1:39 PM
To: 'rhonda coleman'
Subject: Coleman v. Wilmington Trust

Attachments: 6668583_1.PDF



6668583_1.PDF (35
KB)

Ms. Coleman - Here are the interrogatories.

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Sandler, Sheldon N.

From: Sandler, Sheldon N.
Sent: Tuesday, May 27, 2008 1:40 PM
To: 'rhonda coleman'
Subject: Coleman v. Wilmington Trust

Attachments: 6668566_1.PDF



6668566_1.PDF (28
KB)

Ms. Coleman - Here are the requests for production of documents.

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SSandler@ycst.com

Sandler, Sheldon N.

From: rhonda coleman [racoleman5@yahoo.com]
Sent: Wednesday, May 28, 2008 4:50 PM
To: Sandler, Sheldon N.
Subject: Coleman v. Wilmington Trust

Thank you for sending the documents. I will review and send a response.

R. Coleman

----- Original Message -----

From: "Sandler, Sheldon N." <SSandler@ycst.com>
To: rhonda coleman <racoleman5@yahoo.com>
Sent: Tuesday, May 27, 2008 1:40:04 PM
Subject: Coleman v. Wilmington Trust

<<6668566_1.PDF>> Ms. Coleman - Here are the requests for production of documents.

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7/11/2008